

Neil Ison, State Bar Number 112861  
21285 Saratoga Hills Road  
Saratoga, CA 95070  
T: 408-828-2490  
F: 408-867-1300  
[quantumdeco@yahoo.com](mailto:quantumdeco@yahoo.com)

Attorney for Flora Ng

ADR

FILED

2008 APR 18 P 2:14

E-FILED 08 02032

RICHARD W. WIEKING  
CLERK  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT  
NORTHER DISTRICT OF CALIFORNIA

Yosemite Management Group, LLC, Plaintiff, v. Flora Ng, et al. Defendants.	Case Number Notice of Removal Santa Cruz County Superior Court Number CV 159839
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NOTICE OF REMOVAL OF STATE COURT ACTION

[Removed from Santa Cruz Superior Court, California, Action No. CV 159839]

To: Judges of the United States District Court for the Northern District of California  
All Defendants in the above referenced Santa Cruz County Action  
The Clerk of the State Court, The Clerk of the United States District Court

- On March 26, 2008, Santa Cruz Superior Court Action Number CV 159839 was commenced by plaintiff Yosemite Management Group, LLC, against Flora Ng, et al.
- On March 27, 2008, Flora Ng filed an answer.
- Attached to this notice and incorporated herein is the removal notice filed with the United States Bankruptcy Court for the Northern District of California.

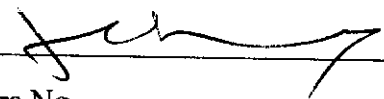
Wherefore, defendant prays that the above action now pending in the California Superior Court for the County of Santa Cruz be removed therefrom to this court.

Dated: April 11, 2008



Neil Ison, Attorney for Applicant  
21285 Saratoga Hills Road  
Saratoga, CA 95070  
408-828-2490

1 I, Flora Ng, declare under penalty of perjury that the foregoing is true and correct  
2 according to the best of my knowledge, information, and belief, and that this declaration  
3 was executed on April 11, 2008, at Saratoga, CA.  
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7 Flora Ng  
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Neil Ison, State Bar Number 112881  
 21285 Saratoga Hills Road  
 Saratoga, CA 95070  
 T: 408-828-2490  
 F: 408-867-1300  
quantumdeco@yahoo.com

Attorney for Flora Ng

**UNITED STATES BANKRUPTCY COURT**  
**NORTHER DISTRICT OF CALIFORNIA**

In re Armando Saldana,	Case Number 08-50672
Debtor,	Chapter 13
Yosemite Management Group, LLC,	A/P No. _____
Plaintiff,	Judge Honorable Roger L. Efremsky
v.	Notice of Removal
Flora Ng, et al.	Santa Cruz County Superior Court
Defendants.	Number CV 159839

**NOTICE OF REMOVAL OF STATE COURT ACTION**

[Removed from Santa Cruz Superior Court, California, Action No. CV 159839]

To: Honorable Roger L. Efremsky, United States Bankruptcy Court Judge  
 All Defendants in the above referenced Santa Cruz County Action  
 The Clerk of the State Court  
 The Clerk of the United States District Court  
 The Clerk of the Bankruptcy Court

Pursuant to Title 28, United States Code, Section 1452(a), and Federal Rules of Bankruptcy Procedure, Rule 9027, moving party in this matter and defendant in the underlying action Flora Ng makes application for removal of the entire action brought by plaintiff Yosemite Management Group, LLC, in Civil Action entitled Yosemite Management Group, LLC, v. Flora Ng, Action Number CV 159839, now pending in the Superior Court for the State of California and for the County of Santa Cruz (Civil Action). This removal is based upon the following facts:

1 1. Moving party Flora Ng is a defendant in the Civil Action.

2 2. The United States District Court in this district has jurisdiction over the Civil  
3 Action under Title 28, United States Code, Sections 157(a) and 1334(b). Jurisdiction  
4 exists under Title 28, United States Code, Section 1334(b) because the Civil Action is  
5 related to a bankruptcy case pending in this district as In re Armando Saldana, Case  
6 Number 08-50672.

7 3. The Civil Action is related to the bankruptcy case because of the following:

8 A. A property known as 1285 Hecker Pass Road, Watsonville, CA, was  
9 foreclosed upon by defendants in the Related Civil Action of Flora Ng v. Sterling Pacific  
10 Lending, Inc., Santa Cruz County Superior Court Action Number 159630 (Related Civil  
11 Action).

12 B. The property was purchased at the foreclosure sale by Yosemite  
13 Management Group, LLC, plaintiff in the Civil Action and defendant in the Related Civil  
14 Action.

15 C. All defendants in the Related Civil Action, including Yosemite  
16 Management Group, LLC, were provided notice of the bankruptcy filing, orally and in  
17 writing via facsimile, before the foreclosure sale.

18 D. All defendants in the Related Civil Action proceeded with the foreclosure  
19 sale in willful violation of the automatic stay.

20 E. Following the foreclosure sale, all defendants in the Related Civil Action  
21 refused to set aside the foreclosure sale, in further willful violation of the automatic stay.

22 F. Following the foreclosure sale, Yosemite Management Group, LLC,  
23 defendant in the Related Civil Action and plaintiff in the Civil Action has taken further  
24 actions to seize the property through the filing of an Unlawful Detainer, the Civil Action,  
25 which interferes with debtor Armando Saldana's interest in the property.

26 G. Debtor Armando Saldana has and had an interest in the property, which  
27 makes it property of the estate, and that interest in the property is necessary to the  
28 successful completion of debtor Armando Saldana's Chapter 13 Plan.

1 H. Armando Saldana and moving party Flora Ng have and had interests in the  
2 property and those interests are and were abrogated by the violation of the automatic stay.

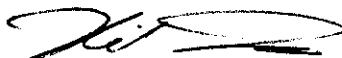
3 I. Unless this court sets aside the foreclosure sale and stays the Unlawful  
4 Detainer, debtor Armando Saldana will lose his interest in the property, prejudicing  
5 Armando Saldana and the other creditors of the estate.

6 J. Unless this court renders a decision regarding the willful violation of the  
7 automatic stay by Yosemite Management Group, LLC, there is a possibility that state  
8 court and federal court decisions will be inconsistent, although the decision will be based  
9 upon the same operative facts and law.

10 4. On removal of the Civil Action, and on information and belief, the proceeding  
11 will be a core proceeding within the meaning of Title 28, United States Code, Sections  
12 157 (b)(1) and (b)(2), or a non-core proceeding if not a core proceeding within the  
13 meaning of Title 28, United States Code, Section 157(b)(1), and notwithstanding that the  
14 proceeding may constitute a non-core proceeding on removal, moving party Flora Ng  
15 consents to entry of all final orders or judgments by the Bankruptcy Court as permitted  
16 by Title 28, United States Code, Section 157(c)(2).

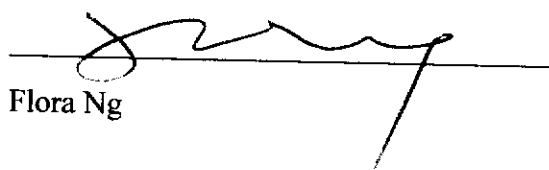
17 5. True and correct copies of all process and pleadings filed and served in the Civil  
18 Action are attached to this notice.

19 Dated: April 11, 2008



Neil Ison, Attorney for Applicant  
21285 Saratoga Hills Road  
Saratoga, CA 95070  
408-828-2490

20  
21  
22  
23 I, Flora Ng, declare under penalty of perjury that the foregoing is true and correct  
24 according to the best of my knowledge, information, and belief, and that this declaration  
25 was executed on April 11, 2008, at Saratoga, CA.

26  
27  
28  
  
Flora Ng

1 Neil Ison, State Bar Number 112881  
 2 21285 Saratoga Hills Road  
 3 Saratoga, CA 95070  
 4 T: 408-828-2490  
 5 F: 408-867-1300  
 6 [quantumdeco@yahoo.com](mailto:quantumdeco@yahoo.com)

7 Attorney for Flora Ng

**ADR**

**FILED**

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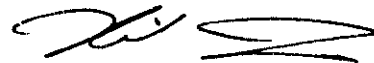
RICHARD W. WIEKING  
 CLERK  
 U.S. DISTRICT COURT  
 NO. DIST. OF CA. S.J.

**UNITED STATES DISTRICT COURT  
 NORTHER DISTRICT OF CALIFORNIA**

Yosemite Management Group, LLC,	Case Number
Plaintiff,	<b>08 02032</b>
v.	<b>PVT</b>
Flora Ng, et al.	Pleadings and Process Accompanying Notice of Removal
Defendants.	Santa Cruz County Superior Court Number CV 159839

14 The attached pleadings and process are submitted by moving party Flora Ng and  
 15 accompanying Flora Ng's Notice of Removal of State Court Action pursuant to 28 USC  
 16 Section 1452 and Rule 9027 of the Federal Rules of Bankruptcy Procedure. The attached  
 17 pleadings and process are to be filed contemporaneously with the filing of the Notice of  
 18 Removal and relate to the Civil Action previously pending in the Santa Cruz County  
 19 Superior Court as Case Number CV 159839 and removed to the Bankruptcy Court.

20 Dated: April 11, 2008



22 Neil Ison, Attorney for Applicant  
 23 21285 Saratoga Hills Road  
 24 Saratoga, CA 95070  
 25 408-828-2490

**(CITACIÓN JUDICIAL)**  
**UNLAWFUL DETAINER—EVICTION**  
**(RETENCIÓN ILÍCITA DE UN INMUEBLE—DESALOJO)**

**NOTICE TO DEFENDANT:**  
**(A VISO AL DEMANDADO):**

FLORA NG, an individual residing in California; NEIL ISON, an individual residing in California; and DOES 1 through 20, inclusive

**YOU ARE BEING SUED BY PLAINTIFF:**

**(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

YOSEMITE MANAGEMENT GROUP, LLC, a California limited liability company

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

**FILED**

**MAR 26 2008**

ALEX CALVO, CLERK  
BY MICHELLE IRIS  
DEPUTY, SANTA CRUZ COUNTY

You have 5 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. (To calculate the five days, count Saturday and Sunday, but do not count other court holidays. If the last day falls on a Saturday, Sunday, or a court holiday then you have the next court day to file a written response.) A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association.

Tiene 5 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales Para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. (Para calcular los cinco días, cuente los sábados y los domingos pero no los otros días feriados de la corte. Si el último día cae en sábado o domingo, o en un día en que la corte esté cerrada, tiene hasta el próximo día de corte Para presentar una respuesta por escrito). Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.courtinfo.ca.gov/selfhelp/espanol/](http://www.courtinfo.ca.gov/selfhelp/espanol/)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.courtinfo.ca.gov/selfhelp/espanol/](http://www.courtinfo.ca.gov/selfhelp/espanol/)) o poniéndose en contacto con la corte o el colegio de abogados locales.

1. The name and address of the court is:  
(El nombre y dirección de la corte es):  
Superior Court of California, County of Santa Cruz  
701 Ocean Street  
Santa Cruz, CA 95060

CASE NUMBER:  
(Número del caso):

CV 159839

2. The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:  
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):  
Jessica L. Giannetta, Esq. (234220)  
THE LAW FIRM OF POWELL & POOL, 7522 N. Colonial Ave., Ste. 100, Fresno, CA 93711; (559) 228-8034

3. (Must be answered in all cases) An unlawful detainer assistant (Bus. & Prof. Code, §§6400-6415) ☒ did not ☐ did for compensation give advice or assistance with this form. (If plaintiff has received any help or advice for pay from an unlawful detainer assistant, complete item 6 on the next page.)

Date:  
(Fecha) 3-26-08

Clerk, by  
(Secretario)

MICHELLE IRIS, Deputy  
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)  
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

**4. NOTICE TO THE PERSON SERVED: You are served**

[SEAL]

- a. ☐ as an individual defendant
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as an occupant
- d. ☐ on behalf of (specify):
- under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
- ☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
- ☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
- ☐ CCP 415.46 (occupant) ☐ other (specify):

5. ☐ by personal delivery on (date):

Page 1 of 2

SUM-130

PLAINTIFF (Name): YOSEMITE MANAGEMENT GROUP, LLC	CASE NUMBER:
DEFENDANT (Name): FLORA NG, ET AL.	

6. **Unlawful detainer assistant** (complete if plaintiff has received any help or advice for pay from an unlawful detainer assistant):

a. Assistant's name:

b. Telephone no.:

c. Street address, city, and ZIP:

d. County of registration:

e. Registration no.:

f. Registration expires on (date):



**INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET**

**To Plaintiffs and Others Filing First Papers.** If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

**To Parties in Rule 3.740 Collections Cases.** A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

**To Parties in Complex Cases.** In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

**CASE TYPES AND EXAMPLES****Auto Tort**

Auto (22)—Personal Injury/Property Damage/Wrongful Death  
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

**Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort**

Asbestos (04)  
Asbestos Property Damage  
Asbestos Personal Injury/Wrongful Death  
Product Liability (*not asbestos or toxic/environmental*) (24)  
Medical Malpractice (45)  
Medical Malpractice—Physicians & Surgeons  
Other Professional Health Care Malpractice  
Other PI/PD/WD (23)  
Premises Liability (e.g., slip and fall)  
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)  
Intentional Infliction of Emotional Distress  
Negligent Infliction of Emotional Distress  
Other PI/PD/WD

**Non-PI/PD/WD (Other) Tort**

Business Tort/Unfair Business Practice (07)  
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)  
Defamation (e.g., slander, libel) (13)  
Fraud (16)  
Intellectual Property (19)  
Professional Negligence (25)  
Legal Malpractice  
Other Professional Malpractice (*not medical or legal*)  
Other Non-PI/PD/WD Tort (35)  
**Employment**  
Wrongful Termination (36) Other Employment (15)

**Contract**

Breach of Contract/Warranty (06)  
Breach of Rental/Lease  
Contract (*not unlawful detainer or wrongful eviction*)  
Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)  
Negligent Breach of Contract/Warranty  
Other Breach of Contract/Warranty  
Collections (e.g., money owed, open book accounts) (09)  
Collection Case—Seller Plaintiff  
Other Promissory Note/Collections Case  
Insurance Coverage (*not provisionally complex*) (18)  
Auto Subrogation  
Other Coverage  
Other Contract (37)  
Contractual Fraud  
Other Contract Dispute

**Real Property**

Eminent Domain/Inverse Condemnation (14)  
Wrongful Eviction (33)  
Other Real Property (e.g., quiet title) (26)  
Writ of Possession of Real Property  
Mortgage Foreclosure  
Quiet Title  
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

**Unlawful Detainer**

Commercial (31)  
Residential (32)  
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

**Judicial Review**

Asset Forfeiture (05)  
Petition Re: Arbitration Award (11)  
Writ of Mandate (02)  
Writ—Administrative Mandamus  
Writ—Mandamus on Limited Court Case Matter  
Writ—Other Limited Court Case Review  
Other Judicial Review (39)  
Review of Health Officer Order  
Notice of Appeal—Labor  
Commissioner Appeals

**Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)**

Antitrust/Trade Regulation (03)  
Construction Defect (10)  
Claims Involving Mass Tort (40)  
Securities Litigation (28)  
Environmental/Toxic Tort (30)  
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

**Enforcement of Judgment**

Enforcement of Judgment (20)  
Abstract of Judgment (Out of County)  
Confession of Judgment (*non-domestic relations*)  
Sister State Judgment  
Administrative Agency Award (*not unpaid taxes*)  
Petition/Certification of Entry of Judgment on Unpaid Taxes  
Other Enforcement of Judgment Case

**Miscellaneous Civil Complaint**

RICO (27)  
Other Complaint (*not specified above*) (42)  
Declaratory Relief Only  
Injunctive Relief Only (*non-harassment*)  
Mechanics Lien  
Other Commercial Complaint Case (*non-tort/non-complex*)  
Other Civil Complaint (*non-tort/non-complex*)

**Miscellaneous Civil Petition**

Partnership and Corporate Governance (21)  
Other Petition (*not specified above*) (43)  
Civil Harassment  
Workplace Violence  
Elder/Dependent Adult Abuse  
Election Contest  
Petition for Name Change  
Petition for Relief From Late Claim  
Other Civil Petition

1           2.     Plaintiff is informed and believes, and thereon alleges, that defendant  
2 FLORA NG ("NG") is, and at all times mentioned herein was, an individual residing in the  
3 State of California.

4           3.     Plaintiff is informed and believes, and thereon alleges, that defendant  
5 NEIL ISON ("ISON") is, and at all times mentioned herein was, an individual residing in the  
6 State of California.

7           4.     Plaintiff is ignorant of the true names and capacities of defendants  
8 sued herein as DOES 1 through 20, inclusive, and, therefore, sues these defendants by such  
9 fictitious names. Plaintiff will amend this Complaint to allege their true names and  
10 capacities when ascertained. Plaintiff is informed and believes, and on the basis of such  
11 information and belief alleges, that each of the fictitiously named defendants is somehow  
12 liable to Plaintiff as herein alleged and that Plaintiff's rights against such fictitiously named  
13 defendants arise from such liability. Plaintiff is further informed and believes, and thereon  
14 alleges, that each of the fictitiously named defendants claims a right under the named  
15 defendant(s) to possession of the property against Plaintiff.

16           5.     Plaintiff is informed and believes, and thereon alleges, that, at all  
17 times, each of the defendants, including the DOE defendants, were and are the agent,  
18 employee, employer, joint venturer, representative, alter ego, and/or partner of one or more  
19 of the remaining defendants and were, in performing the acts alleged or to be alleged, acting  
20 within the scope of such relationship and/or is in some other way responsible for the acts of  
21 one or more of the other defendants.

22           6.     On February 19, 2008, Plaintiff purchased that certain real property  
23 commonly described as 1285 Hecker Pass Road, Watsonville, California 95076 (the  
24 "Property") at a validly held non-judicial foreclosure sale. A true and correct copy of the  
25 recorded Trustee's Deed Upon Sale is attached hereto as Exhibit "A" and incorporated herein by  
26 this reference.

27     ///

28     ///

7. At the time of the February 19, 2008 public sale, NG, ISON, and DOES 1 through 20 (hereinafter referred to collectively as "Defendants") were in possession of the Property and have remained in possession after the sale.

8. On February 29, 2008, Plaintiff caused a 3-Day Notice to Quit ("Notice") to be served on Defendants. The original Notice and Proof of Service with respect to same are attached hereto as Exhibits "B" and "C," respectively, and incorporated herein by this reference.

9. The period of time for Defendants to vacate the Property expired at the end of the day on March 3, 2008, and ever since said date, Plaintiff has been entitled to immediate possession of the Property.

10. Defendants have failed and refused to deliver up possession of the Property before expiration of the notice period, or since, and continue in possession without Plaintiff's permission or consent.

11. The withholding of possession of the Property by Defendants from Plaintiff has been willful, deliberate, intentional and obstinate, and done by Defendants with the knowledge that their right to possession has been terminated and that said withholding is against Plaintiff's will.

12. The reasonable rental value of the Property is \$333.33 per day, and the damages to Plaintiff proximately caused by the unlawful detention by Defendants has accrued at that rate from and after March 4, 2008 and will continue to accrue at that rate so long as Defendants remain in possession of the Property.

WHEREFORE, Plaintiff prays for judgment against Defendants as follows:

1. For possession of the Property;
2. For damages for the unlawful detention of the Property at the rate of \$333.33 per day from and after March 4, 2008, until entry of judgment;

///

///

///

1 3. For costs; and

2 4. For such other and further relief as the Court may deem proper.

3 Dated: March 25, 2008

THE LAW FIRM OF POWELL & POOL

4  
5 By 

JESSICA L. GIANNETTA, Attorneys for  
YOSEMITE MANAGEMENT GROUP, LLC

THE LAW FIRM OF POWELL & POOL  
7522 North Colonial Avenue, Suite 100  
Fresno, California 93711

VERIFICATION

I, JESSICA L. GIANNETTA, declare:

I am an attorney at law duly admitted and licensed to practice before all courts of this State and have my professional office at 7522 North Colonial Avenue, Suite 100, City of Fresno, County of Fresno, State of California.

I am the attorney of record for the Plaintiff in the above-entitled matter.

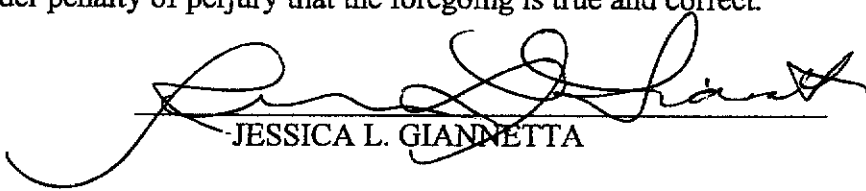
Said Plaintiff is absent from the county in which I have my office and for that reason I am making this verification on its behalf.

I have read the foregoing Verified Complaint for Unlawful Detainer and know the contents thereof.

I am informed and believe that matters stated therein are true, and on that ground I allege that the matters stated therein are true.

Executed on this 25<sup>th</sup> day of March, 2008 at Fresno, California.

I declare under penalty of perjury that the foregoing is true and correct.

  
JESSICA L. GIANNETTA

THE LAW FIRM OF POWELL & POOL  
7522 North Colonial Avenue, Suite 100  
Fresno, California 93711

**EXHIBIT "A"**

RECORDING REQUESTED BY:

**RECORDING REQUESTED BY  
FIRST AMERICAN TITLE**AND WHEN RECORDED MAIL TO:Yosemite Management Group, LLC  
1205 Freedom Boulevard, #2  
Watsonville, CA 95076Forward Tax Statements To:

The Address Given Above



2008-0007313

Recorded	REC FEE	14.00
Official Records	PCOR - PRELIM	20.00
County of	SURVEY MONUMENT	10.00
Santa Cruz		
GARY E. HAZELTON		
Recorder		

08:01AM 25-Feb-2008 | JRS  
Page 1 of 3TS #: 07-7188-01  
Loan #: B0512003

/3374731

**ORIGINAL**

SPACE ABOVE LINE FOR RECORDER'S USE

**TRUSTEE'S DEED UPON SALE**

A.P.N.: 109-191-04-000

Transfer Tax: \$0.00

"THIS TRANSACTION IS EXEMPT FROM THE REQUIREMENTS OF THE REVENUE AND TAXATION CODE, SECTION 480.3"

The Grantee Herein WAS The Foreclosing Beneficiary.

The Amount of The Unpaid Debt was: \$543,577.47

The Amount Paid By The Grantee was: \$496,581.04

Said Property is in UNINCORPORATED AREA, County of Santa Cruz

First American Title Company, as Trustee, (whereas so designated in the Deed of Trust hereunder more particularly described or as duly appointed Trustee) does hereby GRANT and CONVEY to

Yosemite Management Group, LLC

(herein called Grantee) but without covenant or warranty, expressed or implied, all right title and interest conveyed to and now held by it as Trustee under the Deed of Trust in and to the property situated in the county of Santa Cruz, State of California, described as follows:

**SITUATED NEAR HECKER PASS IN THE RANCHO SALSIPUEDES; AND BEGINNING IN THE MIDDLE OF THE HECKER HIGHWAY; THE LINE FROM SAID BEGINNING IS HEREBY DESCRIBED AS FOLLOWS:**

**BEGINNING AT THE MOST WESTERN CORNER OF THE LANDS CONVEYED BY CALIFORNIA PACIFIC TITLE COMPANY TO LOUIS RESETAR BY DEED RECORDED JANUARY 26, 1933 IN VOLUME 240 AT PAGE 152, OFFICIAL RECORDS OF SANTA CRUZ COUNTY, CALIFORNIA; AND RUNNING THENCE NORTH 83° 31' WEST 167.99 FEET TO THE BEGINNING OF A CURVE ON THE CENTERLINE OF SAID HECKER HIGHWAY; THENCE ALONG THE CENTERLINE OF SAID HIGHWAY ON A CURVE TO THE RIGHT HAVING A RADIUS OF 400 FEET, THROUGH AN ANGLE OF 11° 18' 47" FOR A DISTANCE OF 78.98 FEET TO SAID POINT OF BEGINNING; AND RUNNING THENCE FROM SAID POINT OF BEGINNING ALONG THE CENTERLINE OF SAID HIGHWAY ON A CURVE TO THE RIGHT (TANGENT TO CURVE AT THIS POINT IS SOUTH 30° 49' 13" EAST) HAVING A RADIUS OF 400 FEET, THROUGH AN ANGLE OF 74° 53' 13" FOR A DISTANCE OF 522.81 FEET; THENCE LEAVING SAID CENTERLINE NORTH 58° 34' WEST 64.83 FEET TO A STATION ON THE BOUNDARY OF LANDS BELONGING TO COUNTY OF SANTA CLARA, A DRILL HOLE IN THE BASE OF THE HECKER MONUMENT BEARS SOUTH 33° 9' EAST 20.95 FEET DISTANT; THENCE ALONG THE BOUNDARY OF SAID LAST NAMED LANDS SOUTH 56° 34' WEST 967.62 FEET TO A GULCH: THENCE LEAVING SAID LAST NAMED LANDS ALONG THE AVERAGE CENTERLINE OF SAID GULCH SOUTH 62° 34'**



**TRUSTEE'S DEED UPON SALE**

TS #: 07-7188-01  
Loan #: B0512003

**EAST 238.52 FEET; SOUTH 77° 3' EAST 117.22 FEET; NORTH 86° 37' EAST 108.00 FEET; SOUTH 78° 37' EAST 97.81 FEET AND SOUTH 87° 11' EAST 95.43 FEET; THENCE LEAVING GULCH NORTH 46° 53' EAST 251.39 FEET TO THE PLACE OF BEGINNING.**

This conveyance is made in compliance with the terms and provisions of the Deed of Trust executed by Flora Ng, an unmarried woman as Trustor, dated 12/14/2005, under the authority and powers vested in the Trustee designated in the Deed of Trust or as the duly appointed Trustee, default having occurred under the Deed of Trust pursuant to the Notice of Default and Election to Sell under the Deed of Trust recorded on 12/29/2005, Instrument number 2005-0089938, Book —, Page — of Official records. Trustee has complied with all applicable statutory requirements of the State of California and performed all duties required by the Deed of Trust including sending a Notice of Default and Election to Sell within ten days after its recording and a Notice of Sale at least twenty days prior to the Sale Date by certified mail, postage pre-paid to each person entitled to notice in compliance with California Civil Code 2924b.

All requirements per California Statutes regarding the mailing, personal delivery and publication of copies of Notice of Default and Election to Sell under Deed of Trust and Notice of Trustee's Sale, and the posting of copies of Notice of Trustee's Sale have been complied with. Trustee, in compliance with said Notice of Trustee's sale and in exercise of its powers under said Deed of Trust sold said real property at public auction on 2/19/2008. Grantee, being the highest bidder at said sale became the purchaser of said property for the amount bid, being \$496,581.04, in lawful money of the United States, in pro per, receipt thereof is hereby acknowledged in full/partial satisfaction of the debt secured by said Deed of Trust.

In witness thereof, First American Title Company, as Trustee, has this day, caused its name to be hereunto affixed by its officer thereunto duly authorized by its corporation by-laws.

Date: February 19, 2008

First American Title Company, as Trustee  
By WT Capital Lender Services, Its Authorized Agent

By:   
DEBRA BERG, Senior Vice President



**TRUSTEE'S DEED UPON SALE**

TS #: 07-7188-01  
Loan #: B0512003

State of California } ss.  
County of Fresno }

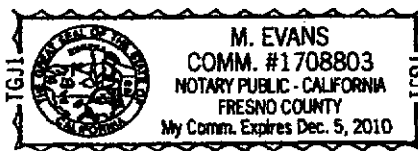
On 2/19/2008, before me, M. Evans, Notary Public, personally appeared Debra Berg who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify UNDER PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

  
M. Evans



**EXHIBIT "B"**

## NOTICE TO QUIT

---

To: FLORA NG  
NEIL ISON  
TEODORO ALCAZAR  
AND ANY AND ALL OTHER RESIDENTS OR OCCUPANTS OF  
1285 Hecker Pass Road  
Watsonville CA 95076

### TENANTS-IN-POSSESSION

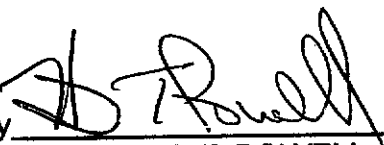
NOTICE IS HEREBY GIVEN THAT, YOSEMITE MANAGEMENT GROUP LLC, has purchased the above-referenced property at a non-judicial foreclosure sale conducted on February 19, 2008, and title has been duly perfected.

NOTICE IS FURTHER GIVEN that any and all tenancies or rights to tenancy are hereby terminated. Within three (3) days after service on you of this Notice, you must deliver up possession of the property to YOSEMITE MANAGEMENT GROUP LLC or its agent.

If you fail to deliver up possession within the time stated, legal proceedings will be commenced against you to recover possession and a judgment for damages for your unlawful detention of the property.

DATED: FEB 27 2008

Hanno T. Powell  
7522 N. Colonial Avenue, Suite 100  
Fresno, California 93711  
Telephone: (559) 228-8034

By   
\_\_\_\_\_  
HANNO T. POWELL  
Attorney for:  
YOSEMITE MANAGEMENT GROUP LLC

**EXHIBIT "C"**

**Powell & Pool**  
7522 N Colonial Ave, Suite 100 Fresno, CA 93711

FOR COURT USE ONLY

TELEPHONE NO.: (559) 228-8034 FAX NO. (Optional): (559) 228-6818  
E-MAIL ADDRESS (Optional):

**PROOF OF SERVICE**

HEARING DATE:

DAY:

TIME:

DEPT.:

Ref No. or File No.:

THE TIME OF SERVICE I WAS AT LEAST 18 YEARS OF AGE AND NOT A PARTY TO THIS ACTION, AND I SERVED  
PIES OF THE:

Notice to Quit

PERSON/ENTITY SERVED: **Flora Ng, Neil Ison, Teodoro Alcazar and Any and All Other Residents**

DATE OF POSTING: **02/29/2008**

TIME OF POSTING: **12:23 pm**

DATE OF MAILING: **February 29, 2008**

PLACE OF MAILING: **Marina, CA**

ADDRESS OF PROPERTY: **1285 Hecker Pass Rd  
Watsonville, CA 95076  
(HOME)**

**MANNER OF SERVICE:**

By posting in a conspicuous place on the property therein described, there being no person of suitable age or discretion to be found at any known place of residence or business of said tenants; and mailing a copy by first class mail, postage pre-paid, and depositing said copies in the United States Mail, in a sealed envelope, addressed as stated above. [CCP §1162(3)]

Fee for Service: 59.50

County: **Monterey**

Registration No.: **47**

**Sayler Legal Service, Inc.**

**455 Reservation Road, Suite E**

**Marina, CA 93933**

**(831) 384-4030**

I declare under penalty of perjury under the laws of the State of California that the foregoing information contained in the return of service and statement of service fees is true and correct and that this declaration was executed on **March 4, 2008**.

Signature

**CHRISTOPHER MEHARG**

**PROOF OF SERVICE**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): Neil Ison - State Bar No. 112881 21285 Saratoga Hills Road Saratoga, CA 95070		TELEPHONE NO: 408-828-2490	<b>FILED</b> MAR 27 2008 ALEX CALVO, CLERK BY DEBORAH ROJAS DEPUTY, SANTA CRUZ COUNTY
ATTORNEY FOR (Name): Defendant Flora Ng			
NAME OF COURT: Santa Cruz County Superior Court			
STREET ADDRESS: 701 Ocean Street			
MAILING ADDRESS:			
CITY AND ZIP CODE: Santa Cruz, CA 95060			
BRANCH NAME:			
PLAINTIFF: Yosemite Management Group, LLC			
DEFENDANT: Flora Ng, et al.			
<b>ANSWER—Unlawful Detainer</b>		CASE NUMBER:	CV 159839

1. Defendant (names):  
Flora Ng

answers the complaint as follows:

2. **Check ONLY ONE of the next two boxes:**

- a. ☐ Defendant generally denies each statement of the complaint. (Do not check this box if the complaint demands more than \$1,000.
- b. ☒ Defendant admits that all of the statements of the complaint are true EXCEPT
- (1) Defendant claims the following statements of the complaint are false (use paragraph numbers from the complaint or explain):  
5, 6, 9, 11, 12
- ☐ Continued on Attachment 2b (1).
- (2) Defendant has no information or belief that the following statements of the complaint are true, so defendant denies them (use paragraph numbers from the complaint or explain):  
1, 4, 7 (except that defendant Flora Ng admits possession of the property)
- ☐ Continued on Attachment 2b (2).

3. **AFFIRMATIVE DEFENSES** (NOTE: For each box checked, you must state brief facts to support it in the space provided at the top of page two (item 3j)).

- a. ☐ (nonpayment of rent only) Plaintiff has breached the warranty to provide habitable premises.
- b. ☐ (nonpayment of rent only) Defendant made needed repairs and properly deducted the cost from the rent, and plaintiff did not give proper credit.
- c. ☐ (nonpayment of rent only) On (date): before the notice to pay or quit expired, defendant offered the rent due but plaintiff would not accept it.
- d. ☐ Plaintiff waived, changed, or canceled the notice to quit.
- e. ☐ Plaintiff served defendant with the notice to quit or filed the complaint to retaliate against defendant.
- f. ☐ By serving defendant with the notice to quit or filing the complaint, plaintiff is arbitrarily discriminating against the defendant in violation of the Constitution or laws of the United States or California.
- g. ☐ Plaintiff's demand for possession violates the local rent control or eviction control ordinance of (city or county, title of ordinance, and date of passage):

(Also, briefly state the facts showing violation of the ordinance in item 3j.)

- h. ☐ Plaintiff accepted rent from defendant to cover a period of time after the date the notice to quit expired.
- i. ☐ Other affirmative defenses are stated in item 3j.

PLAINTIFF (Name): Yosemite Management Group, LLC	CASE NUMBER:
DEFENDANT (Name): Flora Ng, et al.	CV 159839

## 3. AFFIRMATIVE DEFENSES (cont'd)

j. Facts supporting affirmative defenses checked above (identify each item separately by its letter from page one):

Defendant Flora Ng is the lawful owner of the property.

(1) ☐ All the facts are stated in Attachment 3j.(2) ☐ Facts are continued in Attachment 3j.

## 4. OTHER STATEMENTS

a. ☐ Defendant vacated the premises on (date):b. ☒ The fair rental value of the premises alleged in the complaint is excessive (explain):

The property lacks propane, water and electricity to the residence, and the HVAC is defective.

c. ☒ Other (specify):

The foreclosure sale was unlawful and void and in violation of a bankruptcy automatic stay and California law. There is another action pending that should be consolidated, CV 159630.

## 5. DEFENDANT REQUESTS

a. that plaintiff take nothing requested in the complaint.

b. costs incurred in this proceeding.

c. ☒ reasonable attorney fees.d. ☐ that plaintiff be ordered to (1) make repairs and correct the conditions that constitute a breach of the warranty to provide habitable premises and (2) reduce the monthly rent to a reasonable rental value until the conditions are corrected.e. ☒ Other (specify):

Defendant Flora Ng seeks punitive damages.

Defendants Flora Ng demands a jury trial.

6. ☐ Number of pages attached (specify):

## UNLAWFUL DETAINER ASSISTANT (Business and Professions Code sections 6400- 6415)

7. (Must be completed in all cases) An unlawful detainer assistant ☒ did not ☐ did for compensation give advice or assistance with this form. (If defendant has received any help or advice for pay from an unlawful detainer assistant, state:

a. Assistant's name:

b. Telephone No.:

c. Street address, city, and ZIP:

d. County of registration:

e. Registration No.:

f. Expires on (date):

Neil Ison

(TYPE OR PRINT NAME)



(SIGNATURE OF DEFENDANT OR ATTORNEY)

(TYPE OR PRINT NAME)

(SIGNATURE OF DEFENDANT OR ATTORNEY)

(Each defendant for whom this answer is filed must be named in item 1 and must sign this answer unless his or her attorney signs.)

## VERIFICATION

(Use a different verification form if the verification is by an attorney or for a corporation or partnership.)

I am the defendant in this proceeding and have read this answer. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Date: 3-27-08

Flora Ng

(TYPE OR PRINT NAME)



(SIGNATURE OF DEFENDANT)